Praveena

App. F. IX-4

Previous References

1933.
(Muzrai)

File No. 310 3

Serial Nos. 1 4

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for January 35.

SUBJECT.

Appeal rate lease of lands belonging to Sri Neelakanteswara Swami temple at Nagodlu.

The Advocate for the petitioner in 973 of 8 1-35

4

WD 01965—GPB—15,000—7-7-34

States that there are no reasons to int with the orders of the Muz Court

Misc Appeal re: The lease of Land belonging to Sri Nilakanteswara & Swami Temple at Nagodlu.

[App. F. III—2

General and Revenue Secretariat | Misc 3 File No. | of 1933-34

Serial No.

Petition of S. Narasimha Krishnappa Advocate on behalf of Narayandas, Chandrasingh & two others all residing in Nagodlu Anthrasante Hobli Heggadadevankote Taluk Mysore District praying against order of the Mysore Commissioner in Misc Appl No 36 of 32-33 on the file of this Court re: The lease deed of lands belonging to Sri Nilakanteswara Swami Temple at Nagodlu — Heggadadevankote Taluk.

A — 1) The appeal petn submitted stamped & the appeal to be filed.

2) A separate vakalath signed petn is necessary in respect of the order passed by this Court dt the 7th

1. The papers may be called for.
2. Re A Sriniketa Advocate's application may be given to file.

21/12/33

Office of the Second Member of Council, 22 DEC. No.

2nd MR)

MR 21/12 22/12

22/12

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

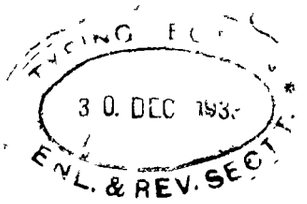
File No. 310 of 1933 | General and Re Secretariat

(7) Re:- 3.(1). A memo of forwarding forms left on the P.W.D. is for kind signature.

Re- 3-(2). Office memo for order—

GS 29-12-33

7) Office 29/12/33



Petition sent to M.C with memo no 915 of 24 1-34 2. No 916 of 24 1-34 to the Navigundagi and other petitioners intimating that a separate petition duly stamped should be submitted in respect of the request for a stay order 1-34

Letter No 9357/33-34 of 12-3-34 from the Deputy Commissioner Sulmi records connected with the appeal regarding lands belonging to Sri Neelakanth Swami temple - Nagodu - Heggadadevanakote Taluk -

1) D.C's report No 1145/328 24/7/33 addressed to H.C. . Facts forth in the The facts of the case. It is stated that the orders passed by the lower Officers are with a view to prevent the applicants from exercising their rights of ownership over the disputed lands as they have been doing for the lands. That is why the lands have been ordered to be sold for Rs Two thousand five hundred in these cases being final —

Submitted for orders if the case may be posted for a hearing

GS 31/12/33

I believe there is a petition to the effect of temple lands wherein it

Serial No.

Re 25 of 33-34
Mun. Appln: lease of lands belonging to Sri Venkateswara Swami Temple at Nagore.

It is stated that if the Archaks are be given cultivating lands & living site the temples, the may be leased out to them alone & so on. Please put it up. 7/4/34

1) This refers is invited to our No. 210/Mun 184-22-2 of 1871/23 re: the duration of the case of Muslim lands granted to Hindu Temples

7/5

2) As a sufficient number of cases has been posted for hearing on the 23rd inst, this case will, if approved, be posted for hearing on such date later on as may be hereafter fixed by the II Member for the hearing of Hindu cases.

7/5/34

3) 14/5

4) This may be put up after my return from Ooty

17/5

Since 25th

OFFICE OF THE SECOND MEMBER OF COUNCIL. 14 MAY 1934 No. 7896

7e Secy)
2nd Mr)

OFFICE OF THE SECOND MEMBER OF COUNCIL. 1 - JUNE 1934 No. 8066

Submitted as desired.

4-8-34 1 P.M.

Sd. H. M. Ayyangar 2nd Mr)

31/7/34

Mr 3/8

Posted on Saturday 4th August.

Thursday 2nd August.

Some date in the 2nd week of July may be fixed

NOTE—Contn. Sheet.

WD 0246—GPB—15,000—22-8-32

Case was called on Saturday the 28th Sept 1934. Mr M. Krishnaiah, advocate for the petitioner was present and heard. Order reserved

29/9

4467
29/9.

Order

I see no reason to interfere with the order of the Asst.

26/12

2/11/35 43/1784

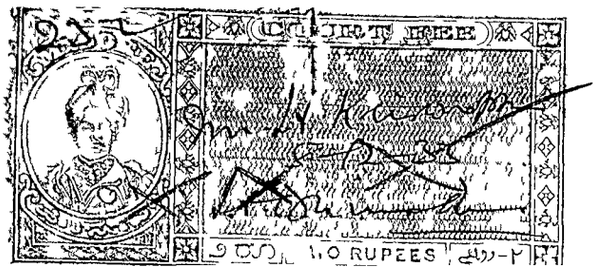
Asst 1/11

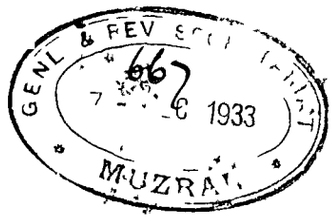
2/11/35

No 9738 8.1.35 to the Advocate for the petitioner stating that there are no reasons to interfere with the orders of the Mysore Commissioner in the Matter.

No 9748 8.1.35 to the Mysore Commissioner forwarding for information Copy of the above —

B/
12-1-35





BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

*****:0:*****

Muzrai Appeal No. 25 of 1933-34.

Appellants:-

(1) Nanjundaiya, son of Nanjappa,

(2) Chandraiya son of Doddaiya,

(3) Neeliah, son of Neeliah,

(4) Madappa, son of Muddappa,

Thammadi by caste, residing in Magodlu, Antharsante Hobli, Heggadadevankote Taluk, Mysore District.

The appellants above-named beg to prefer this appeal against the order of the Muzrai Commissioner dated the 7th September 1933, rejecting the appeal in Muzrai Appeal No. 36 of 1932-33 for the following among other reasons:-

(1) The learned Revenue Commissioner erred in summarily rejecting the appeal;

(2) The learned Revenue Commissioner erred in rejecting the appeal without giving an opportunity for the appellants to be heard in support of their appeal.

(3) The learned Revenue Commissioner has erred in passing a most summary order without

without giving at least in brief the reasons for dismissal of the appeal and without considering the grounds urged by the appellants in their appeal memo.

(4) That Survey Nos. 61,to 69, 92 to 98 of Mogadlu, 16 dry lands of about 86 acres have been in possession and enjoyment of these appellants and their ancestors for over centuries, and the appellants have been paying full assessment thereon all along. These are neither Jodi nor inamti lands, nor do they find a place in the quit rent register.

(5) The Pujari Huq of the temple Nilakanteswaraswami belongs from time immemorial to the appellants' family. Out of the above Survey Numbers some are bunjar and the others are under cultivation by these appellants who out of the produce thereof, have been paying kandayam of Rs. 67/- and odd and are doing the puja and effecting the necessary repairs.

(6) That these appellants have spent more than Rs. 600/- for the repairs is amply borne out by the records.

(7) As some of these lands had been mortgaged by the ancestors of these appellants they were in time redeemed by these appellants, and the lands are in tact.

tact.

(8) The recent inamdars agent has zid towards these appellants, in the matter of the remission of kandayam and has filed a suit O.S. No. 367/30-31 for the kandayam due and has asked for possession of these Hiduvali lands, on the ground that they were forfeited. But his latter contention for possession was not deemed by the Civil Court. This clearly shows that the lands belong to the appellants, as Hiduvalidars from time immemorial. The Inamdar admits that these are not Devadaya lands.

(9) The said agent out of zid has set up some enemies of these petitioners to complain against the appellants regarding the puja and repairs etc. As a matter of fact that puja is being regularly done and the necessary repairs attended to by these appellants.

(10) On the malicious move of the said agent the Special duty Amildar came to the spot and held enquiries and recorded the annual expenditure of Rs. 211/- being incurred by these ~~petitioners~~ appellants to the temple and wanted them ~~us~~ to give Rs. 36/- towards the reserve fund. The ~~petitioners~~ appellants represented that out of the yield they are paying nearly Rs. 280/- both for kandayam and puja expenses, and very little re-

remains for their maintenance and the levy of Reserve fund of even Rs. 20/- would work as a hardship. In fact these petitioners have to depend entirely upon this land and puja for the maintenance of very large family.

(11) The appellants since learn that these lands which have been cultivated by these petitioners and on which they have grown crops of two feet high, have been auctioned out for the gutta at the instance of some enemies of the petitioners and that the sale has been confirmed.

(12) To disturb the petitioners from their lawful and time honored possession of these lands, which are then only for cause of sustenance - is not only unfair, but works a great deal of hardship and injustice to the appellants.

(13) The said auction and bid is entirely the result of party faction and zid, and in no way a bonafide action.

(14) Considering the long possession and enjoyment of these lands by the appellants in their own right, and considering that they have effected repairs and have been paying full kandayam and that they have also raised crops, the petitioners pray that the auction sale be cancelled and stayed pending the

the disposal of this case, as the entry of the bidders on the land on which the appellants have raised crops would lead to natural and undesirable complications.

(15) Under no circumstances could the appellants be deprived of their rights of possession and enjoyment of the land in question except when the kandayam falls into arrears for which proceedings have to be taken in the Civil Court by the Inamdar. The rights is a vested one.

(16) The appellants pray that this appeal of theirs be allowed and the order appealed against be set aside.

Sd/- M. Narayana
Advocate for appellants

MAMLATDAR'S OFFICE C935 33-34 3 - JAN 1934

No 915
Mlez 4-1-34.

Forwarded with compliments to the Mlezai Commissioner for Inam Commission 10/1/34
of records connected with the appeal case.

By order

For Financial Secretary

935 9½
33-34
Returned with compliments for kind signature and forwardal

For Mlezai Commissioner
GS

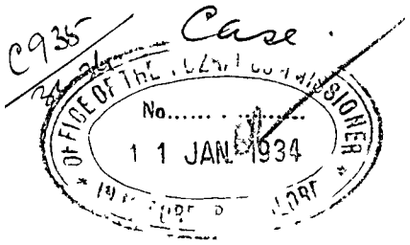
940 f. 10-1-34

Forwarded with Compliments

Magistrate Commissioner for

of Records Connected with

C935 Case.



By order

10/1/34

For Financial Secretary

OFFICE OF THE MUZ
No

Office of the Muzrai Commissioner in Mysore

Dated. Bangalore 30-8-1933 / 7-9-1933

Appeal 36/32-33

Endorsement granted to Nanjundiah and others Nagodlu, Heggadadevanakote Taluk through V. Singappiya. Govt. B A L.L B Advocate, Mysore in reply to his Petition Register No as per margin.

Petition Register No. App. 36/32-33
Dated. 15-6-33

Subject. — Appeal against the Mysore Deputy Commissioner's order, in the matter of the lease-sale of the lands belonging to Sri Neelakanteshwara swamy temple at ~~Nanjangud~~ Nagodlu.

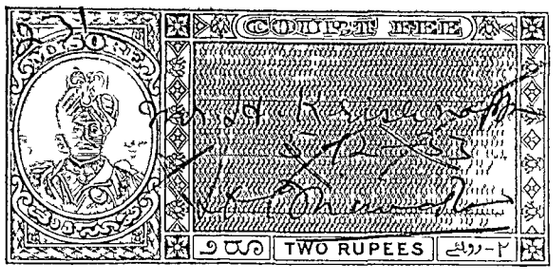
The Petitioner are informed that their appeal is dismissed as the Deputy Commissioner's order calls for no interference.

Sd./ S Hanumaiya

"Copy"

C Ramaswamy Ayyangar
Manager
Muzrai Commissioner's Office

Copy applied by - Mr H Venkatesamurthy.
Copy applied on - 16-9-33
Copy delivered on - 25.9.33
Copied by - Weerappa
Compared by - S Deepanamurthy
No. of words - 55
Copying fee - 0-2-0
Comparing fee - 0-0-6



12

Before the Government of ಕೋರ್ಟಿಗೆ.
His Highness the Maharaja Regent

1933—1934 ನೇ Mun. Appeal ನಂಬರು.

ಅಪೀಲು ಫಾದಿ/ಯಾ-ಅರ್ಜಿದಾರ್. ಪ್ರತಿವಾದಿ ಯಾ-ಅಪೋನೆಂಟ್.

(1) Archak Nanjundiah
(2) Chandriya
(3) Muniah
(4) Munuswamy

V.S.

ಅಡ್ವೋಕೇಟರಾದ

ಮಾ॥ ರಾ॥ ಹೆಚ್. ಕೃಷ್ಣಪ್ಪ ಮತ್ತು ಹೆಚ್. ನೆಂಕಟೇಶವಮೂರ್ತಿ ಯವರಿಗೆ.

ವಕಾಲತ್ ನಾಮ ಬರಸಿಕೊಟ್ಟ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಜ್ಞೈರುವರಿನಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿ ಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆ ಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ನನಗೋಸ್ಕರ ನಿಮ್ಮಗಳ ಗೈರ್‌ಹಾಜರಿಯಲ್ಲಿ ಬೇರೊಬ್ಬ ವಕೀಲರಿಂದ ಮೊಖದ್ದಮೆ ನಡಿಸಲಿಕ್ಕೂ ಮತ್ತು ಮೊಖದ್ದಮೆ ರಾಜಿಮಾಡಿಸಲು ಅಥವಾ ರಾಜಿಗೆ ಒಪ್ಪುವದಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಥೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಥೇನೆ

ತಾರೀಖು

ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರ ಜಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಥೇನೆ.

H. Venkatesha Murthy

916 / Mes 5 — 4-1-34

To Mr. Nanjundaiya son of Nanjappa and others,
Thammadi by caste, Nagodlu, Antharasantehnnnnkmki
Kakuk Hobli, Heggadadevankote taluk, Mysore Dt

---

with reference to para 14 of their petition dated the 5th Novr. 1933 presented by their Advocate H.Krishnappa on 5-12-1933 appealing against the orders the Muzrai Commissioner in the matter of the lease sale of lands belonging to Sri Nilakantesvaraswami temple at Nagodlu, Heggadadevankote taluk, the petitioners are informed that in respect of their request for the stay of the orders passed by the Muzrai Commissioner, a separate petition bearing two rupees worth of court fee stamps is necessary.

BY ORDER,

Sd. S. Shamanna,
For Financial Secretary to Govt

XXXX

vvk.3.

Memo.No. 917 dt 4/1/34.

Copy to Mr. H.Krishnappa, Advocate for the petitioners.

BY ORDER,

For Financial Secretary to G

F G—1]

SUBJECT .....

.....

.....

3

Section Mug

File No.

Serial No.

Diary No. of letter replied to .....

No. 916

To

Mr Nanjundaiya Son of
Nanjappa & others
Thigumari by caste,
Magodu, Arthasante
devan[illegible]
Hobli - Heggadadevanakote
Mysore Dt

General and Revenue Secretariat

( )

the *193*

Date of issue 4/1/34

Signed by B Krishnappa.

With ref[illegible] to para 14 of their/[illegible] —
of 5-11-1933, ~~but~~ presented
by their Advocate Mr. H. Krishnappa
on 5-12-1933. [illegible] against the order
in the matter
of the lease sale of lands belonging
to Sri Trilakanteshwara Swami
temple at Magodu, Heggadadevan-
kote Tk, ~~Mr Nanjundaiya~~ the petitioners
are informed that [illegible]
for the stay of the order passed
by the M.C. ~~has been refused~~

List of enclosures .....

Copied by .....

Examined by .....

a separate fee bearing two Rs worth
of Court fee Stamps, is necessary.

B O
29/12
for H Sce

917 § 4/1/34.

Copy to Mrs H. Krishnappa. Advocate
for Court fee

B.O.
29/12
for H Sce

GS
29.12

GEN. REV. SEC. 1803 11 MAR

No. 935/33-34
Encl 2 files

Office of the Muzrai Commissioner in Mysore,
Bangalore dated 10th March 1934.

My 310-33-3 12th

From

N. Madhava Rau, Esq., P.A., P.L.,
Muzrai Commissioner in Mysore.

To

S. Shamanna, Esq., P.A.,
Secretary to the Government of Mysore,
Financial Department.

13/3

Sir,

Subject:- Lease of lands - Sri Neelakanteswaraswamy temple- Magodlu-Heggadadevanakote Taluk - Appeal of Nanjundiah.

With reference to your Memo No.940/Muz. dated 10-1-1934 calling for the records on the above subject, I have the honor to forward herewith the vernacular records received with the Mysore Deputy Commissioner's letter No.H.689/33 dated 5-3-1934 (copy enclosed) together with this office file No.App.36/32-33 dated 7-9-1933 and to state that the facts of the case are clearly explained in the Deputy Commissioner's letter dated 26-7-1933 contained in this office file.

I have the honor to be,

Sir,

Your most obedient servant,

NRamanna

For Muzrai Commissioner.
Absent from HQ Quarters

ggadadevanakote aluk appeal of Nanju

With reference to your Official Memorandum No.935/33-34 dated 13/16th January 1934 in the matter of the above appeal, I have the honor to submit herewith the file of connected records and to state that the facts of the case have already been reported in connection with the appeal No.36/32-33 filed before your office.

"COPY"

Ramaiah

For Muzrai Commissioner.

The accompanying petition Registered No. C. 935 of 34 dated 5-12-33 received at the Muzrai Commissioner's office with the Financial Secretary's Memo No. 940/ Muz. dated 10-1-34 calling for the records on the appeal of Nanjundiah regarding the lease sale the lands belonging to Sri Neelakanteshwaraswamy Temple at Nagodlu, Heggadadevana kote Taluk forwarded with compliments to the Deputy Commissioner, Mysore District, for submission of the entire proceedings connected with the case together with a full report of the facts of the case and on the points raised in the petition. P.T.O

the petition should be returned

From Office of the Deputy Commissioner
Mysore District
Dated, Mysore 30th January 1934

689/33
encl

Memo

Copy of the above together with its enclosure is forwarded to the Sub Division Officer Mysore for report with entire records.

6434
31.1.34
R1.

A Ramachandra Rao
for Deputy Commissioner,
Mysore District

Forwarded to the Amildar & Magistrate Mysore for immediate submission of the records with a final report.

31.1.34.

Sub Divisional Officer

16814

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

20

MUZRAI APPEAL NO: 25 of 1933-34.

Petitioner :-

Ramlinga Ma)
Chandraiya) Pharmada by Caste
Neelaiya &) Agriculture, Inhabitants of the Village,
Madappa) Hegadadevankote Taluk.

SUBJECT:- Appeal against the orders of the Muzrai Commissioner in the matter of the lease of lands belonging to Sri Malakanteswara Swami Temple at Agodu, Hegadadevankote Taluk.

--:0:--

The case was called on Saturday the 29th September 1934 Mr.K.Krishnaiya Advocate for the petitioners was present and was heard.

O r d e r.

Government see no reason to interfere with the order of the Muzrai Commissioner in the matter.

973/Mez 310-33-4 9 8-1-35

To Mr.K.Krishnaiya, Advocate for the petitioners.

By Order,

974 Encl 2 files d/- [illegible]
Chief Secretary to Government.

Copy of the above is forwarded 8-1-35.

Copy to the Muzrai Commissioner with compliments for information. The records received with his letter No.310/33-3 dated 12th August 1934 are returned herewith.

By Order,

for Chief Secretary to Government.

hks.5

Mar. 21]

D. No 1603

29

Before the Government of His Highness the Maharaja of Mysore.

Mag Appeal No. 25 of 1933-34

~~Appellant~~ Petitioners

Nanjundaiya
Chandraiya
Neelaiya
& Madappa

~~Vs.~~

~~Respondent~~

Thammadi by caste.
Magodu - Authavantha
Dobbi - Heggadadevankote Tq

Subject.

Appeal against the order of the M.C. in the matter of the lease sale of lands belonging to Sri Lakshmana Swamy Temple at Magodu - Heggadadevankote Tq

---

The case was called on Saturday the 29th Sept 1934 - Mr K. Venkatarangiah Advocate for the petitioners was present and heard.

order.

Govt see no reason to interfere with the order of the M.C. in the matter.

973/Mag 310-35 & 8-1-35

Copy to Mr K. Venkatarangiah Advocate for the petitioners

WD0580—GPB—250—10-8-22

2/1/35

No record received both this letter no. 935
of 12.3.34. as returned herewith. 33-34

22)

B.O
29/1/35
for file